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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,775	02/11/2002	Brett O'Brien	01-10257	4117

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EXAMINER

JEAN, FRANTZ B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,775

Applicant(s)

O'BRIEN ET AL.

Examiner

Frantz B. Jean

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-7, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11/02, 12/06/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the restriction requirement filed 10/07/04. Group I, which includes claims 1-22 has been selected with traverse.

Response to Arguments

Applicant's arguments filed 12/06/04 have been fully considered but they are not persuasive.

Applicants argued that all the claims in the application are closely related and should be examined together.

Examiner respectfully submits that the 5 groups are unrelated and belong to different classification. Each group requires a separate search. Therefore, It would be a serious burden on the examiner to analyze the claims all together. Accordingly, the restriction is maintained and is final.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/11/02 and 12/06/04 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 20 is objected to because of the following informalities: on line 25, after functionality; please delete –and--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 7 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolff US patent Number 6,009,427.

As per claim 1, Wolff teaches a shared computer network storage system, comprising: a first database containing file data (fig 1, 64); a second database containing information about said file data of said first database (fig 1, 66); a server (fig 1, 60), said server executing file commands on said first file database, said server contemporaneously updating said second metadatabase upon executing said file commands (col. 6 lines 58 et seq); a client application (fig 1, 150), said client application communicating with said server (col. 7 lines 6-7), said client application invoking file commands upon said server, said server executing said file commands and updating (i.e. create, delete, etc.) information regarding the first file and second metadata databases displayed by said client application; whereby said client application controls files in said first file database and information regarding status of said database files is more readily available by reference to said second metadatabase (col 7 lines 6-24; col. 20 lines 25 et seq).

As per claims 2-3, said first file database and second metadabase are distributed over at least two physical storage devices (fig 1c).

As per claim 4, communication between an application and a server via a proxy is inherent in Wolff (see col. 7 lines 6 et seq).

As per claims 5-7, the server contains a non-routable network, and a transaction processor, wherein said transaction processor guarantees access to and transactions on said first and second databases (col. 6 lines 25 et seq).

As per claim 18, Wolff client application (150) can be considered to be a web based.

As per claim 19, Wolff teaches an OS (operating system) ... (see col. 6 lines 38 et seq).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff in view of Applicant admitted prior art (AAPA).

As per claims 8-16, although Wolf discussed a client application (150) and a server (60), Wolff does not explicitly details on a server that comprises EJBC, an application network, a web server, a load balancer and DNS redirector. Those

limitations were well known in the art of networking at the time of the invention as evidence by applicant admitted prior art (AAPA) (see background of the Invention (pages 2-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated AAPA's features into Wolff's because they would have facilitated, in coordination with data storage, availability and accessibility of files and data through the Internet.

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-22 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean



FRANTZ B. JEAN
PRIMARY EXAMINER